IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 6382 of 2007(I)

PETITIONER:

MOLLY VARGHESE,
THEKEMAZHUVANJERIL,
MANARCAD, MAALAM P.O.,
KOTTAYAM.

BY ADV. SMT.JAYASREE MANOJ
SRI.M.RISHIKESH SHENOY

RESPONDENTS:

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1. THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,HEAD OFFICE, KOTTAYAM, REPRESENTED BY ITS GENERAL MANAGER.

2. THE BRANCH MANAGER, KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., MANNARKADU BRANCH, KOTTAYAM DISTRICT.

3. THE DISTRICT COLLECTOR, KOTTAYAM.

4. THE VILLAGE OFFICER, KOTTAYAM.

BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.6382/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. NOTICE DT. 1.12.04 ISSUED BY THE PRESIDENT OF MORAJI DESAI CHARITABLE SOCIETY.

EXT.P2. NOTICE DT. 9.11.06 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P3. REPRESENTATION DT. 22.1.07 SUBMITTED BY THE MORAJI DESAI CHARITABLE SOCIETY TO THE DISTRICT COLLECTOR.

EXT.P4. REPRESENTATION DT. 12.12.06 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.(C). NO. 6382 OF 2007

Dated this the 3rd day of April, 2007

J U D G M E N T

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 1st respondent.

2. Even though the petitioner has a case that the loan availed is for a charitable society, the counsel for the 1st respondent submitted that the loan is a personal loan taken by the petitioner and the Society for which the loan is stated to have been availed, is not a party to the loan arrangement and it is for the petitioner to the repay the loan, failing which, the 1st respondent is free to sell the property mortgaged to the Bank. Since the petitioner has undertaken to repay the arrears with interest within one month from today, I feel time can be grated for settlement of loan within one month.

In the above circumstances, this writ petition is disposed of directing respondents to withhold the proceedings for one month from now and if payment is not made, respondents are free to proceed against the petitioner for recover and sell the mortgaged property.

C.N. RAMACHANDRAN NAIR,
JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006